

2005 Senate Republican Legislation

Bill Title	Bill Description
Education	
Scholarships for Students With Disabilities Program; DOE	Establishes the scholarships for students with disabilities program in order to provide a scholarship to a private school of choice for students with disabilities for whom an individual education plan has been written. Defines "students with disabilities." Creates a constitutional amendment to effectuate the program.
State Teacher Reciprocity	Eases requirements for teacher licensing reciprocity between the state of Hawaii, cooperating states and the District of Colombia.
Teacher Recruitment and Retention	Creates the Hawaii teacher recruitment and retention program to be administered by the Hawaii teacher standards board; appropriates funds.
Charter Schools	Increases the statutory limit of charter schools from twenty-five to an unspecified amount.
Energy/Environment	
Energy Resources; Gasoline Pricing	Repeals Act 77, Session Laws of Hawaii 2002 and Act 242, SLH 2004, commonly known to Hawaii motorists as the "gas cap."
Hawaii Energy Commission; Public Utilities Commission	Establishes the Hawaii energy commission to regulate energy utilities; establish energy enterprise zones; and encourage the development of renewable energy resources. Removes the regulation of electricity, gas, and other energy resources from the jurisdiction of the public utilities commission and delegates it to the Hawaii Energy Commission.
Gasoline Dealers; Divorcement Law; Repeal	Repeals the gasoline divorcement law, which imposes restrictions on manufacturers and jobbers in operating service stations and imposing lease rent controls.
County/Home Rule	
Non-criminal Traffic Infractions; Distribution of Fine Proceeds	Requires the director of finance of the State to distribute 50% of the monetary assessments (fines) for non-criminal traffic infractions to the general fund of the county in which the traffic infractions occurred.
Water Resources	Amends the state Constitution to specify that the counties have the responsibility of setting overall water conservation, quality, and use policies. Abolishes the statewide Water Commission. The elimination of the duplication of water services will lead to a more streamlined, cost-effective government and will allow each county to more efficiently serve their residents' water needs.

2005 Senate Republican Legislation

State Land Use Commission	Abolishes the state Land Use Commission. Eliminates the duplicative efforts of the state and counties with respect to land issues in an effort to bolster Hawaii's economy.
Traffic/Transportation	
Kakaako; Piers 1 & 2	Repatriation of jurisdiction to DOT. Returns working pier land to DOT from DLNR.
PUC; Ground Transportation	Removes all ground transportation from PUC's oversight by excluding ground transportation from definition of "public utility"; amends definition of "enforcement officer" to delete reference to enforcement of chapter 271; repeals chapter 271, motor carrier law.
PUC; Water Transportation	Removes all water transportation from PUC's oversight by amending definition of "public utility" to exclude water transportation; repeals chapter 271G, Hawaii water carrier act.
Fiscal Management	
Zero-Based budgeting	Requires principal departments of the state executive branch to develop and prepare proposed biennium budgets in accordance with zero-based budgeting principles beginning FY07-08, and FY 09-10, respectively, and every six years thereafter.
GET; Food and Medical Services	Provides an exemption for food and medical services from the general excise tax.
Highway Special Fund	Prohibits the raid of the Highway Special Fund.
DCCA Special Fund	Prohibits the raid of the DCCA Compliance/Resolution Fund.
Hurricane Fund	Prohibits the raid of the Hawaii Hurricane Fund.
ERS	Prohibits the raid of the Employees' Retirement System.
Emergency Budget and Reserve Fund	Prohibits the raid of the "rainy day" fund.
State Personal Exemption; Conform with Federal Personal Exemption	Conforms state personal exemption rate to the federal personal exemption rate. Hawaii's net income tax rates are very high for the poor. The state continues to unnecessarily tax families with income levels that qualify for public assistance as a result of its failure to update the personal exemption amount to the federal amount. This measure

2005 Senate Republican Legislation

	seeks to rectify this situation.
Gas Tax; Reduction	Reduces the state fuel tax rate. Currently the state fuel tax is 16 cents per gallon.
Tort	
Non-Economic Damages; Definition	Redefines non-economic damages for purposes of tort actions. Caps noneconomic damages at \$250,000.
Medical Tort Reform	Revises provisions relating to medical tort reform. Makes a tortfeasor liable for no more than that percentage or share of damages attributable to that individual or entity. Removes exceptions from law abolishing joint and several liability. Modeled after California's MICRA law.
Lawsuits by Uninsured or Chemically Impaired Motorists	Prevents recovery in negligence by drivers who are uninsured or chemically impaired at the time of the accident.
Collective Bargaining	
Collective Bargaining; Repeal	Repeals mandatory arbitration for all collective bargaining units except firefighters (BU 11) and police officers (BU 12).
Miscellaneous	
Required Health Care Coverage; Small Business Employers; Alternative Compliance with PPHCA	Deems small business employers in compliance with Prepaid Health Care Law who provide the health care coverage that was in effect on 1/1/1975 to its regular employees. Defines "small business employer" as one with fewer than 15 employees. Gives option of providing coverage as required by Prepaid Health Care Law.
Residential Drug Treatment Homes; Zoning	Repeals the permitted use in residential areas of drug rehabilitation homes. Clarifies that no zoning permit shall be issued for the operation of a drug rehabilitation home unless a public informational meeting is held in the affected community.
Constitutional Convention	Authorizes submission of constitutional convention question to the electorate. Expresses the legislature's finding that a constitutional convention is necessary in order to reflect the social and political changes that have occurred since the 1978 constitutional convention. Expresses the legislature's intent that the convention be seated in 2008 to reflect the 30 year anniversary of the most recent convention.

2005 Senate Republican Legislation

Law Enforcement	
	<p>The Senate Minority Caucus supports the Law Enforcement Coalition's initiatives pertaining to wiretap investigations, "knock and talk", and "walk and talk." These are important tools in the war against drugs.</p> <p>Wiretaps are not used by police in Hawaii because of a restriction requiring adversary hearings before a judge to gain authorization. The requirement should be lifted to improve law enforcement and coordination between local authorities and federal prosecutors, thus bringing state law into conformance with federal law.</p> <p>"Walk and talk" would allow a police officer to stop an inbound passenger if the officer has reasonable suspicion that the passenger is carrying drugs or drug paraphernalia.</p> <p>The "knock and talk" programs allowed police officers to knock on the door of a suspected drug house and ask questions and attempt to gain permission to enter the person's home to conduct a search.</p>